

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Richard Walden PRO SE

v.

CIVIL ACTION

The District Attorney's Office

NO. 04CV12584-MLW

COMPLAINT

1. The plaintiff is a resident of Berkshire Co., in Pittsfield, Massachusetts, and a citizen of the United States.
2. The defendant is the D.A.'s Office, a government agency in Berkshire Co., Pittsfield, Massachusetts, in the United States.
3. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

FACTS FIRST COUNT

4. On October, 24, 2003, I was released from the county jail after awaiting trial for fourteen months for crimes I did not commit.
5. My charges were rape of a child with force and distribution of a class B substance; to wit crack cocaine. (subsequent offense).
6. Both charges involved the same person. This person claimed that I supplied her with drugs which she used then later raped her.
7. Being my subsequent offense my bail was set substantially high and all attempts for bail reduction were denied.

8. While awaiting trial I learned that by law I could not be convicted of the drug charge for which I was being held.
9. The only evidence in the case was hearsy; no physical or prima facie evidence at all.
10. According to the law, (Com. v. Dawson), a person can testify to what he or she used without prima facie evidence as long as that person is an experienced drug user.
11. The witness in my case was not; she could not explain in any detail how the drugs she supposedly used made her feel.
12. The prosecution was well aware of these facts and yet still tried to get a conviction by way of plea bargain.
13. On October 24, 2003, the prosecutor filed a nolle prosequi stating he would no longer undertake to prosecute my case (Indictment nos. BECR 2002-0052-1thru5).
14. I believe the nolle prosequi was filed under false pretenses creating a scandalous abuse of authority.

WHEREFORE, the plaintiff demands judgment against the defendant for malicious prosecution, intentional infliction of emotional distress and scandalous abuse of authority and asks for relief in the amount of \$250,000; and for any other damages and relief this court deems just.

15. The plaintiff demands a trial by jury.

SECOND COUNT

1. The plaintiff, Richard Walden, re-alleges paragraphs 1-4 of the first count and by reference makes them part of this count of the complaint.
2. The plaintiff was arrested and charged for crimes in which there was no probable cause and held in custody for several months awaiting trial.

WHEREFORE, the plaintiff, Richard Walden, demands judgment against the defendant for false imprisonment and asks for relief in the amount of \$250,000.

3. The plaintiff demands a trial by jury.

Richard Walden PRO SE  
467 Cheshire Rd.  
Pittsfield, MA. 01201

Richard Walden Pro Se

DATE: 1/28/05

## Account Activity Ledger

Time : 13:42

From : 06/07/2004

To : 01/28/2005

CLERKS OFFICE

2005 FEB - /

A // Deposit Withdrawal

Balance  
Forward

Comment	Trx Date	Time	Batch /Inv #	Type	Invoice	Block / NW2 / C	DIS DISTRICT OF MASS COURT	Balance Forward
ID WAL4	Name WALDEN, RICHARD							
	06/07/2004	11:27	B#7037	D			70.00	70.00
	06/07/2004	11:27	B#7037	D			5.00	75.00
Sales Transaction	06/07/2004	13:33	I#166471	I	-27.45			47.55
Sales Transaction	06/28/2004	13:29	I#167645	I	-19.59			27.96
Sales Transaction	07/12/2004	19:16	I#168345	I	-7.98			19.98
Sales Transaction	11/04/2004	14:20	I#174260	I	-19.18			0.80
Sales Transaction	11/23/2004	08:11	I#175160	I	-0.80			0.00
	12/16/2004	08:46	B#7543	D			20.00	20.00
Sales Transaction	12/16/2004	13:34	I#176327	I	-19.80			0.20

Deposits	3	For	\$	95.00
Withdraws	0	For	\$	0.00
Invoices	6	For	\$	-94.80